

CRS UNIFORM MINIMUM CREDIT CALIFORNIA

SUMMARY

The Community Rating System (CRS) provides Uniform Minimum Credit (UMC) for certain state laws, regulations, and standards that support floodplain management within the state and have proven effective in reducing flood damage.

The following table summarizes UMC credit available to all communities. It also includes possible additional credit available for selected areas or state activities and creditable state model ordinance provisions. ISO/CRS Specialists and the communities need to determine which possible additional credits apply to their area. These UMCs do not necessarily apply to Tribal Nations.

The range of credit available to communities within the state is shown below, followed by an explanation of each activity.

Activity	Credit	Statewide credit	Central Valley credit
Uniform Minimum Credit			
330	Outreach Projects to Floodplain Properties (OPF)	0	0 – 66
340	Other Disclosure Requirements (ODR)	15	15
430	Natural & Beneficial Functions Regulations (NBR)	5	5
430	State-mandated Standards (SMS)	15	15
430	Building Codes (BC)	95	95
450	Freeboard in B, C, D and X Zones (FRX)	20	20
450	Erosion & Sedimentation Control (ESC)	30	30
630	State Dam Safety (SDS)	63.8	63.8
	Total	243.8	243.8 – 309.8
Possible Additional Credit			
330	Additional Outreach Projects (OPA)	0	12 – 36
340	Disclosure of Flood Hazard (DFH)	46	46
340	Disclosure of Other Hazards (DOH)	10	10
410	Additional Flood Data (AFD)	0	TBD
620	Levee Safety	0	TBD
	Total	56	68 – 92
Model Ordinance Provisions			
410	New Study (NS)	18.75 – 75	18.75 – 75
430	Freeboard (FRB)	37.5 – 150	37.5 – 150
430	Cumulative Substantial Improvement (CSI)	20	20
430	Enclosure Limits (ENL)	50	50
	Total	126.25 – 295	126.25 – 295

Credit for activities in the 400 series can increase based on the Community Growth Adjustment. The CRS requires participating communities to maintain elevation certificates, which provide an additional 56 points. Five hundred points are needed for Class 9.

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Activity 330. Outreach Projects

Outreach Projects to Floodplain Properties (OPF) – From 0 to 66 points are awarded for the Flood Risk Notification mailer that the Department of Water Resources sends out annually to all property owners in areas protected by state project levees in the Central Valley. These points are pro-rated, based on the amount of the community's floodplain that is affected.

Legal basis: California Water Code, Section 9121. Added in 2007 by AB 156, <http://www.water.ca.gov/legislation/2007-reference.pdf>, page 23.

Verification: According to the Specialist's Manual.

Impact adjustment: The score is to be multiplied by the ratio of population affected (people or buildings) divided by the population of the regulatory floodplain.

Annual UMC verification: ISO/CRS Specialists will verify that the notification was distributed each year and will re-score it annually.

Activity 340. Hazard Disclosure

Other Disclosure Requirements (ODR) – Fifteen points are awarded for: California Code 1103, which requires sellers without an agent to disclose whether property is in a special flood hazard area; Code 8589.4, which requires sellers without an agent to disclose whether the property is in an area of potential flooding shown on a dam inundation map; and for California Civil Code 1102.6, which requires sellers to disclose whether the property has flooding problems, and has suffered from flooding in the past.

Legal basis: California Civil Code 1103 and 1102.6 at <http://www.nhdreport.com/1103.htm> and <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1102-1102.17>.

Annual UMC verification: ISO/CRS Specialists will verify that the regulations are still in effect.

Activity 430. Higher Regulatory Standards

Natural and Beneficial Functions Regulations (NBR) – Five points are awarded for requiring Category I landfills (those which contain hazardous materials) to be located outside of floodplains subject to inundation by floods with a 100-year return period. This credit is given in 431.g.1.b., where regulations prohibit one or two specific activities in the floodplain that may be hazardous to public health or water quality, such as sanitary landfills or septic systems.

Legal basis: California Code of Regulations, Title 23, Chapter 15, Article 3, Section 2531(c) at http://www.swrcb.ca.gov/water_issues/programs/land_disposal/docs/chapter15regs.pdf.

Annual UMC verification: The ISO/CSR Specialist will verify that the regulations are still in effect.

Building Code (BC) – Ninety-five points are awarded for the adoption of the California Building Standards Code, based on the International Building Code (IBC) which applies to all new construction, including residential construction. 80 points reflect the fact that the state requires the IBC to be used for all construction, including residential buildings, and the IBC is equal to or more restrictive than the International Residential Code (IRC). The following codes are also mandated by the state and are worth 5 points each: Plumbing Code, Mechanical Code and Fuel Gas Code.

The codes are adopted at the state level but administered by local jurisdictions, except for specific occupancies that are regulated by state agencies. Communities do not adopt the code. Communities can modify the code to be more restrictive. The IBC flood provisions are unchanged and apply to all occupancies, including one- and two-family dwellings and townhouses.

Legal basis: California Health and Safety Code, Sections 18901 and 18949, administered by the California Building Standards Commission.

Annual UMC verification: The ISO BC technical reviewer will verify that the regulations still exist at the state level.

State-mandated Standards (SMS) – Fifteen points are awarded for state-mandated regulatory standards. Credit equals 0.10 times the sum of credit points for state required floodplain management regulatory standards. More credit is possible if additional mandated regulations are documented.

State-mandated Standards		
Activity	Element	Credit
430	Natural & Beneficial Regulations (NBR)	5
430	Building Codes (BC)	95
450	Freeboard in B, C, D and X Zones (FRX)	20
450	Erosion & Sedimentation Control (ESC)	30
	Total	150
	x 0.1	15.0

Source: Section 431.1 of the *CRS Coordinator's Manual*.

Activity 450. Stormwater Management

Freeboard for New Buildings in B, C, D and X Zones (FRX) – Twenty points are awarded for California's adoption of the IBC and the IRC which require positive drainage away from the foundation.

Legal basis: California Health and Safety Code, Sections 18901 and 18949, administered by the California Building Standards Commission. Positive drainage requirement is Section 1804.3 of the California Building Code.

Annual UMC verification: The ISO BC technical reviewer will verify that the regulations are still in effect.

Erosion & Sedimentation Control (ESC) – Thirty points are awarded for the requirement that construction projects of greater than 1 acre require erosion and sediment control measures.

Legal basis: 2009-0009-DWQ Construction general permit:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Verification: Verification is according to *CRS Specialist's Manual*. ISO/CRS Specialists will verify credit by reviewing permits and erosion control plans, and conducting field verification.

Annual UMC verification: The ISO/CSR Specialist will verify that the regulations are still in effect.

Activity 630. Dam Safety

State Dam Safety (SDS) – State Dam Safety Program activities are awarded 63.8 points pursuant to the Dam Safety Program Management Tool.

Verification: ISO/CRS Specialists will verify that the community is in compliance with the State Dam Safety Program.

Annual UMC verification: The Federal Emergency Management Agency's Dam Safety Office annually verifies SDS credit.

POSSIBLE ADDITIONAL CREDIT

Activity 330. Outreach Projects

Additional Outreach Projects (OPA) – From 12 to 36 points are awarded for the Flood Risk Notification mailer sent out annually by the State Department of Water Resources to all property owners in areas protected by state project levees in the Central Valley. Points are pro-rated based on the amount of the community's floodplain that is affected. In order to receive OPA credit, this mailer must be distributed in a different manner than what is credited in Activity 330 – OPF. It could score up to 12 points as a single OPA. It can be counted as a maximum of 3 OPAs if the community uses different media or uses two-way communication with different audiences. Handing out the mailer to 3 different groups does not necessarily constitute 3 different OPAs. See *CRS Coordinator's Manual* for further guidelines on how outreach projects get credited under this element.

Legal basis: California Water Code, Section 9121. Added in 2007 by AB 156, <http://www.water.ca.gov/legislation/2007-reference.pdf>, page 23.

Impact Adjustment: The score is multiplied by the ratio of the population affected (people or buildings), divided by the population of the regulatory floodplain.

Annual UMC verification: ISO/CRS Specialists will verify that the notification was distributed each year, re-score it annually, and verify that the means of distribution meets the *CRS Coordinator's Manual* and *Specialist's Manual* guidelines.

Activity 340. Hazard Disclosure

Disclosure of Flood Hazard (DFH) – Forty-six points may be provided if the community can document that real estate agents notify those interested in purchasing properties located in the Special Flood Hazard Area (SFHA) that: (1) the property is in the SFHA; and, (2) the flood insurance purchase requirement applies. Documentation for DFH must demonstrate that the real estate or listing agent:

- Determines whether properties are within the SFHA or asks someone in the community who is an authority on the issue. There must be a systematic review of the Flood Insurance Rate Map to determine if properties to be sold are in a SFHA. The ISO/CRS Specialists must verify that the correct FIRM information is on the documentation.
- Notifies prospective buyers of the flood hazard before any non-refundable money is put down.

- Notifies prospective buyers whether or not flood insurance is required before any non-refundable money is put down.

Legal basis: DFH credit is based on documented disclosure practices rather than a legal requirement since the requirement that sellers or agents disclose whether property is in a special flood hazard area (Natural Hazard Disclosure—California Civil Code 1103) or is in an area of potential flooding shown on a dam failure inundation map (Section 8589.4 of the California Government Code) only applies if the agent has actual knowledge that a property is located in the SFHA or the local jurisdiction has compiled and posted a list of parcels in the SFHA. Therefore, 20 points DFH credit is not awarded for state law.

California Department of Real Estate publication “Disclosures in Real Property Transactions: Sixth Edition, 2005” is at http://www.dre.ca.gov/pub_disclosures.html#_Toc122939751. It describes disclosure requirements found in California Government Code 8589.5, California Civil Code 1103. Section 1103 – 110.14 is at <http://www.nhdreport.com/1103.htm> and <http://www.loginfo.ca.gov/cgi-bin/displaycode?section=gov&group=08001-09000&file=8585-8589.7>.

Annual UMC verification: A sample of the documentation provided by the community must be reviewed to ensure: (1) the proper notification; and, (2) the properties are accurately being shown as in or out of the SFHA. The score may be prorated based on the percentage of correct forms sampled.

Disclosure of Other Hazards (DOH) – If the community is awarded DFH credit, an additional 10 points may be awarded for disclosure of other hazards, such as the location of property in a dam inundation area.

Legal basis: DOH credit is based on documented disclosure practices rather than a legal requirement since agent disclose of an area of potential flooding shown on a dam failure inundation map (Section 8589.4 of the California Government Code) only applies if the agent has actual knowledge that a property is located in a dam inundation area.

Annual UMC verification: If a community requests credit for a hazard that is not obviously flood-related (such as dam inundation), the community must show the linkage to its local flood hazard.

Activity 410. Additional Flood Data and Activity 620. Levee Safety

Central Valley communities, especially those protected by State Plan of Flood Control levees, can receive additional mapping (Activity 410) and levee safety (Activity 620) credit for actions undertaken by state agencies. For more information, contact the CRS Coordinator for the California Department of Water Resources, Dave Rolph, at (916) 574-1450 or drolph@water.ca.gov.

MODEL ORDINANCES

California has State Model Ordinances for coastal and non-coastal communities. Adoption of certain provisions in the model ordinances may provide additional credit points. The provisions listed below are in both model ordinances, which may be found at: <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Activity 410. Additional Flood Data

New Study (NS) – From 18.75 to 75 points are awarded for the recommendation that flood elevations at the time of development, at a site in an Approximate A zone, be determined by someone other than the Federal Emergency Management Agency (FEMA).

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.B.,
<http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Impact Adjustment: The score is multiplied to the ratio of the area of Approximate A Zone, divided by the total area of the Regulatory Floodplain in the community.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.

Activity 430. Higher Regulatory Standards

Freeboard (FRB) – From 37.5 to 150 points are awarded for adoption of the 2' freeboard requirement in all areas of the Special Flood Hazards. The model ordinance requires a 1' FRB level for both residential and non-residential structures, for new construction and substantial improvements to have the lowest floor, including basement, elevated 2' above the Base Flood Elevation. Because electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities are only to be designed to prevent water from entering during conditions of flooding, the score is reduced by 25 percent .

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.A.,
<http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing Elevation Certificates, permits, site plans, and similar documents for new developments in the regulatory floodplain.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.

Cumulative Substantial Improvement (CSI) – Twenty points are awarded for adoption of the definition for “Substantial Damage”, which includes the language that qualifies properties for Increased Cost of Compliance insurance coverage for repetitive losses.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.D.,
<http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing the local ordinance.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.

Enclosure Limits (ENL) – Fifty points are awarded for regulations requiring the owners of buildings, with enclosed areas below the Base Flood Elevation, to sign a non-conversion agreement and to allow inspections of enclosed area by community officials.

Legal basis: California Model Ordinance (both Coastal and Non-Coastal), December 2006, Appendix, 2.0.E.,
<http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fas/nfip/guidelines.cfm>.

Verification: ISO/CRS Specialists will verify credit by reviewing Elevation Certificates, permits, site plans, and similar documents for new developments in the regulatory floodplain as well as field verification.

Annual UMC verification: ISO/CRS Specialists will verify that the model ordinance still contains this provision.